



BRUCE McPHERSON | SECRETARY OF STATE | STATE OF CALIFORNIA

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March 30, 2006

Honorable Bonnie Garcia
Member of the Assembly
State Capitol
Sacramento, California 95814

Dear Assemblywoman Garcia:

Thank you for your recent correspondence dated March 22, 2006, regarding the policies of the California Highway Patrol with respect to the issuance of permits for activities that occur on state property. I believe that such permits should be issued on a neutral basis subject only to reasonable restrictions as to the time, place, and manner of the activity.

Government Code section 14685(c)(1) specifies that "[t]he Department of the California Highway Patrol may establish rules and regulations pertaining to the protection of state employees, properties, buildings and grounds, and occupants of state properties, including, but not limited to, the issuance of permits concerning the use of state buildings, properties, and grounds." Regulations implementing this provision can be found in Title 13 of the California Code of Regulations beginning at Section 1850. Included in these regulations is Section 1855, which sets forth the criteria for issuance of a permit.

Since the authority to establish rules and regulations pertaining to the use of state property has been granted to the California Highway Patrol by the Legislature in Government Code section 14685, I have no authority to issue the directive you requested in your letter. You may wish to address your concerns to California Highway Patrol Commissioner Mike Brown. I will forward this letter to him for his review.

Please feel free to contact me if you need further information concerning this issue.

Sincerely,

A handwritten signature in cursive script that reads "Bruce McPherson".

BRUCE McPHERSON
Secretary of State